

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

September 16, 2010

5:30 P.M.

MINUTES

Present: Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

Absent: Mayor Donald Kasprzak

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: that the Minutes of the regular meeting of the Common Council held on September 9, 2010 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Valentine

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending September 15, 2010 in the amount of \$ 249,232.49 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of September 9 - September 15, 2010
- Report from the Building Inspector's Office from July 15 – September 9, 2010
- Statement from the City Clerk's Office of all monies received during the month of August 2010 in the total amount of \$12,637.62.
- Assessor's Report of School Tax Rates.

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Carpenter

Discussion:

Councilor Carpenter asked **Assessor Brian Dowling** to explain what the two reports represent. **Brian** said one of the reports is the list of 2010- 2011 School Tax Rates in Clinton County. He wanted to point out to the Council the other districts rates and the other districts have Bus fleets where the City School District does not. At \$20.96 the City School District is clearly higher price per thousand for their education. On the opposite end Northern Adirondack's rate is \$10.81 per thousand because they are blessed with wind farms. The other form is a representation, since he has been in his position, of the increase in total taxable assessed value that the school has realized and shows that the School District has realized over \$792,000 in increased revenue from the citizens of Plattsburgh over the last 6 years.

Councilor Carpenter asked what would tax rate be if the transportation cost (busing the students) was out of the breakdown of School Tax rates for area districts.

Councilor Calnon stated that on the report he noted Library on several of them what is the distinction of between those and the others. **Assessor Brian Dowling** said he thinks the Library fees are included where as the City School District budget is not. He thinks it is Library for the school more than it is Public Library but he is not absolutely truly knowledgeable about that.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 1,143,890.81 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Carpenter

Councilor Jackson explained why the number is so high about \$550,000 of this is the cost of electricity for the month of August and \$372,000 worth of Debt Service payments.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. Motion to waive rule 4 for initial consideration "Request from New York State Department of Environmental Conservation:

Whereas, the City of Plattsburgh received a grant from New York State under the Environmental Restoration Program to investigate and remediate soil and ground water contamination on part of property owned by the City and used as a municipal parking lot (“the site”) which is identified as DEC Site# E5100200. The site is located at the north east corner of the intersection of Broad and Durkee streets. The site was remediated and leased under a long term ground lease to ICV-New York LLC who constructed a parking structure and office building; and

Whereas, it was a condition of the grant that the City encumber the site with an environmental easement that restricts the use of the property and requires the site be monitored for possible air pollution from soil vapors; and

Whereas, the Common Council has been presented with a draft environmental easement from the City to the State of New York, a copy of which is on file in the office of the City Clerk with the minutes of this meeting.

Now therefore, it is:

RESOLVED: The Mayor of the City of Plattsburgh is authorized to execute an instrument entitled “Environmental Easement Granted Pursuant to Article 71, Title 76 of the New York State Environmental Conservation Law” and such other documents and instruments as are required to satisfy the conditions of the aforesaid grant and the Record of Decision in this case,” and “Request from the Superintendent of Recreation to close off the inside lane of the US Oval from 6 am-1 pm on September 25, 2010 for the American Heart Association Heart Walk and Health Fair.”

By Councilor Jackson; Seconded by Councilor Valentine

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Whereas, the City of Plattsburgh received a grant from New York State under the Environmental Restoration Program to investigate and remediate soil and ground water contamination on part of property owned by the City and used as a municipal parking lot (“the site”) which is identified as DEC Site# E5100200. The site is located at the north east corner of the intersection of Broad and Durkee streets. The site was remediated and leased under a long term ground lease to ICV-New York LLC who constructed a parking structure and office building; and

Whereas, it was a condition of the grant that the City encumber the site with an environmental easement that restricts the use of the property and requires the site be monitored for possible air pollution from soil vapors; and

Whereas, the Common Council has been presented with a draft environmental easement from the City to the State of New York, a copy of which is on file in the office of the City Clerk with the minutes of this meeting.

Now therefore, it is:

RESOLVED: The Mayor of the City of Plattsburgh is authorized to execute an instrument entitled "Environmental Easement Granted Pursuant to Article 71, Title 76 of the New York State Environmental Conservation Law" and such other documents and instruments as are required to satisfy the conditions of the aforesaid grant and the Record of Decision in this case.

By Councilor Jackson; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves closing of the inside lane of the US Oval from 6 am-1 pm on September 25, 2010 for the American Heart Association Heart Walk and Health Fair.

By Councilor Valentine; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy Manager MLD to attend the "IEEP's Annual Meeting" from September 30 - October 1, 2010 in East Syracuse, NY. The cost will not exceed \$224.

By Councilor Jackson; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Fire Chief Paul Williams to attend the "New York State Career Chiefs Meeting" in Cortland, NY on Tuesday, September 21, 2010. The cost will not exceed \$350.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Environmental Manager Jonathan Ruff that a revision of the contract scope for “MacDonough Park Sewer System Improvements Project” be agreed to and the contract amount increased by \$112,327. Funding will be from Capital Project (H8130.56).
2. Request from Environmental Manager Jonathan Ruff that the proposal from CDM for performing the final design of the CSO upgrades for the “Cumberland Avenue Pump Station” in the amount of \$78,585 be accepted and the Mayor be authorized to sign all necessary paperwork. Funding will be from Capital Project (H8130.55).
3. Request from Environmental Manager Jonathan Ruff for Change Order No. 3 to the contract with Casella Construction Inc. for the reclosure of the Akey Landfill “Additional Capping System.”
4. Request from Environmental Manager Jonathan Ruff for Change Order No. 4 to the contract with Casella Construction Inc. for the reclosure of the Akey Landfill “Gas Vent Reduction.”
5. Request from Environmental Manager Jonathan Ruff for Change Order No. 5 to the contract with Casella Construction Inc. for the reclosure of the Akey Landfill “Composite Geonet Thickness Reduction.”
6. Request from the Community Development Office for a Change Order to Project Main St BIP# 2008 #12 (Econo Print – 61 Bridge St) in the total amount is \$5,400.
7. Request from New York State Department of Environmental Conservation:

Whereas, the City of Plattsburgh received a grant from New York State under the Environmental Restoration Program to investigate and remediate soil and ground water contamination on part of property owned by the City and used as a municipal parking lot (“the site”) which is identified as DEC Site# E5100200. The site is located at the north east corner of the intersection of Broad and Durkee streets. The site was remediated and leased under a long term ground lease to ICV-New York LLC who constructed a parking structure and office building; and

Whereas, it was a condition of the grant that the City encumber the site with an environmental easement that restricts the use of the property and requires the site be monitored for possible air pollution from soil vapors; and

Whereas, the Common Council has been presented with a draft environmental easement from the City to the State of New York, a copy of which is on file in the office of the City Clerk with the minutes of this meeting.

Now therefore, it is:

Resolved: The Mayor of the City of Plattsburgh is authorized to execute an instrument entitled “Environmental Easement Granted Pursuant to Article 71, Title 76 of the New York State Environmental Conservation Law” and such other documents and instruments as are required to satisfy the conditions of the aforesaid grant and the Record of Decision in this case. **(Move to agenda under “Other Items” Letter A)**

8. Request from the Community Development Office that Project HOME 2009-4 (38 Pike Street – Joseph Baker) be awarded to B & E Development LLC the contract amount is \$24,800. This project will be funded by the 2009 HOME program.
9. Request from Police Chief Desmond Racicot for two Police Officers to attend the “2010 NYSP Child Abuse and Neglect Seminar” from November 16 – 19, 2010 in Albany, NY. The cost will not exceed \$888.00 and will be paid out of the Asset Forfeiture Fund (Treasury funds).
10. Request from Bill Treacy, Manager MLD to attend the NYMPA Semi-Annual meeting from October 26 -27, 2010 in East Syracuse, NY at an estimated cost of \$265.00.

Councilor Valentine added the following initial item:

11. Request from the Superintendent of Recreation to close off the inside lane of the US Oval from 6 am-1 pm on September 25, 2010 for the American Heart Association Heart Walk and Health Fair. **(Move to agenda under “Other Items” Letter B)**

10. NEW BUSINESS:

Councilor Carpenter wants to comment on the City School District possibly proposing a Utility Tax. He wants to make it clear it is not the City of Plattsburgh it is something the City School District is thinking of doing. There are a lot of people in his ward that are on fixed incomes they live in the Housing Authority and some of them are very worried that they are going to have a hard time making ends meet and they are against this. The City budgets are coming up and he wants to watch what happens with the school district because maybe the majority of people are ok with a tax increase, maybe only a small amount of people are against the increase. He is going to watch it closely.

Councilor Kelly thinks that in more prosperous times it is a good idea and worth looking at but not now people can't afford any more taxes at this point. If it works the way he thinks it does it would basically tax everyone who uses our utility then it would be spread out over all of our citizens. He liked **Assessor Brian Dowling's** explanation of how the City School District is using considerably more of the public's money to run their operation than the other school districts around us and they need to look at their own operation before they start looking at increasing the taxes on anyone.

Councilor Calnon said there are actually 3 taxes that can be levied in this case. The one that is first talked about is the residential energy tax and which is a sales tax so any business or institution that is tax exempt would also be exempt from that so it really wouldn't have that same effect. He thinks that is one of the considerations the School Board really needs to pay extra attention to. Who actually is going to be paying the taxes? He echoes **Councilor Carpenters** comments about renters whether they are renting in the Housing Authority properties or renting from other property owners. Every landlord that he spoke to said even if there was a property tax reduction they probably wouldn't pass it on to their tenants unless it was a substantial reduction. So these folks that are not directly paying taxes but indirectly paying taxes by paying rent would then be facing yet another tax. It really is a tax increase. It doesn't have a benefit of some of the taxes like the general sales tax the county set when they added their local option on that they were able to show that half of that tax was paid by people who don't live here so it really was spreading it around. So it was a good thing. But if it just taxing the same people in a different way it doesn't make any sense to him.

Councilor Jackson said the thing that bothers him most is it is strictly residential and any one who has tax exempt status doesn't pay the sales tax and it has nothing to do with small or large commercial or industrial.

Councilor Carpenter said they have worked really hard the last 3 years during budget time trying to make this thing work and keep the tax rate down and wonders if the School Board is working as hard he has to believe they are but sometimes it doesn't seem they are and it just doesn't make any sense.

Councilor Valentine said they have been challenged greatly with state budget they are trying to see things from all possible angles and do the best for the students. She knows that this was the proposal of one school board member only who proposed this tax. She doesn't know how the others feel about it.

Councilor Jackson said the School Board is voting tonight on whether to have a Public Hearing and set the date.

Councilor Rabideau thought the editorial in the Press Republican newspaper dated September 16, 2010 was very good and hoped that all tax payers would read it in the paper or read it on line. Thought a lot of good points were brought out in the editorial.

Councilor Jackson asked **Assessor Brian Dowling** if there was anyway to find out per capita cost per student. **Assessor Brian Dowling** said there is information on a website and he will get the information to him.

Councilor Valentine said it is so strange that there are 3 taxing jurisdictions in the City and they don't work more closely together and it is a frustration to her.

Councilor Carpenter said he has been trying to get them to work together on this bridge for 3 years and he is getting now where with it and something that has got to be taken care of. We want our kids to respect the City and this is what they see everyday.

Councilor Calnon said it is particularly important that basically the tax payers in the City school district and the taxpayers in the City are the same. It is unfortunate that we don't work closer together.

Councilor Jackson wanted to give everyone an update on the "Meet your neighbor" function last night with the City/Campus coalition. This is the second year they have done it and the turn out of permanent residents was outstanding compared to last year and hopes it continues to grow. Thanks to all the residents of the Center City who attended.

Councilor Carpenter said he has friends who live next to a Fraternity. They very impressed and amazed with the "meet and greet" and the way it went.

Councilor Jackson said he spoke to the full time residents in that area and they appreciate the efforts and do feel it is getting better.

Councilor Rabideau went in to one of the new Fraternity houses on Cornelia Street and it was interesting to see and the fraternity was very proud to show their house. He enjoyed meeting the neighbors and a fraternity and a sorority.

Councilor Valentine wanted to thank the Battle of Plattsburgh Association for an outstanding, phenomenal celebration and all the City Departments who worked to help. She didn't attend but she keeps hearing good things about it.

Councilor Calnon agreed and said the weather was great, the organization was great. **Councilor Calnon** said the **Mayor** had left him a note that he wanted to be sure to thank all the City employees. The Battle of Plattsburgh folks did a great job they got a tremendous amount of support from the City employees and they all did a great job and it was as successful as it was because of everyone that participated.

Councilor Rabideau said Public Works was working for a couple days after taking things down, etc. It is not only setting up but it is taking down, during and after the Public Works people are their working.

Councilor Jackson said this is the third Thursday of the month and their should have been a MLD Board meeting but they are postponing until next week because **Bill Treacy** is out of town.

Councilor Kelly wanted to bring up an additional issue. A few Council meetings ago a citizen he

believes it was Bonnie Miller who lives on Cumberland Avenue. She brought up the issue of crosswalks and citizens of our city not knowing what to do when they observe a pedestrian in the crosswalk and she followed up with an email to them. He feels that people are not stopping for pedestrians in crosswalks. He witnessed a pedestrian trying to cross at Draper and Cornelia Street and he actually got out of his car to stop traffic to help the boy cross the street. He brings it up as an item for them to work on public awareness of it.

Councilor Valentine said it would be interesting to see how Vermont does it, it works so well. Vermonters are so in tune to stopping for a pedestrian.

Councilor Kelly asked maybe to have police department remind people to stop. He knows they are busy but maybe they can do this one additional thing it might help.

Councilor Calnon said in prior discussions **City Engineer Kevin Farrington** suggested putting the sign in the middle of the street it reminds people that it is a crosswalk and what the rule is and we will certainly have him take a look at the Draper/Cornelia section as a possible spot for one.

Councilor Valentine said we have made improvements and have more crosswalks then we had before. We do have police officers on bikes and they could clearly be out riding their bikes through the day, much easier for them probably to observe those kinds of infractions and problems. She would ask that our foot and bike police could add to that.

Councilor Jackson asked if anyone knew what the difference between just a marked crosswalk with 2 lines versus the one with the hash marks.

Councilor Calnon said not legally.

Councilor Kelly said as we are preparing for the budget season, **City Engineer Kevin Farrington** reminded him earlier this year that we weren't spending enough money to cover all the crosswalks in all the City every year. That may be something to think about come budget season, not saying we can do all every year but maybe they can do a few more.

Councilor Valentine she would like to see a percentage increase maybe try to hit 10 or 20 percent it's a good thing to look at.

11. CLOSING PUBLIC COMMENTS:

Mark Tiffer of Johnson Ave would like to take this opportunity to give recognition to the organizers of the Battle of Plattsburgh which the Council did as well. He had an opportunity to participate in the festivities and he was really happy to see the turn out of the events. He particularly wants to highlight the "bed race." He was a participant of the "bed race" a lot of the teams that were in the bed race consisted of college students almost all of the teams were college students. This showcased students doing a positive community event. He doesn't remember another time when so many college students were actually active and participating in an event downtown. Too often this group spoken

negatively and this was a positive event that they participated in. He would like to commend the organizers for harnessing this group of students and he thinks future event organizers should think about involving college more for future events.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 6:01 pm